

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TONI HILBERRY

Plaintiff,

v.

Case No:

Hon.

HELPING HAND NURSING SERVICE, INC.,
a domestic profit corporation, and
TRION SOLUTIONS II, INC.,
a domestic profit corporation,

Defendants.

THE SHARP FIRM, PLLC
Attorneys for Plaintiff
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PLAINTIFF'S COMPLAINT AND JURY DEMAND

NOW COMES PLAINTIFF, TONI HILBERRY, by and through her attorneys, and for her Complaint against the above-named Defendants states as follows:

Preliminary Statement

1. This is an action by Plaintiff pursuant to 29 U.S.C. §201 *et seq.* to recover compensatory and liquidated damages, attorney fees, and other relief from Defendants for violations of the Fair Labor Standards Act ("FLSA").

Parties

2. Plaintiff Toni Hilberry performed labor for Defendants within Genesee County, Michigan, and elsewhere located within the geographical boundaries of the United States District Court for the Eastern District of Michigan.

3. Defendant Helping Hand Nursing Service, Inc. is a corporation that does business in Genesee County, Michigan and elsewhere located within the geographical boundaries of the United States District Court for the Eastern District of Michigan.

4. Defendant Trion Solutions II, Inc. is a corporation that does business throughout the geographical boundaries of the United States District Court for the Eastern District of Michigan.

Jurisdiction and Venue

5. This is an action for unpaid wages, damages, and other relief under the FLSA 29 U.S.C. §201 et seq.

6. This Court has subject matter jurisdiction of Plaintiff's Federal Law Claims pursuant to 28 U.S.C. §1331.

7. Plaintiff performed labor for Defendants within this judicial district and the events and omissions giving rise to Plaintiff's claims occurred in this district. The unpaid wages sought in this action were earned in this district. Venue is proper in this district pursuant to 28 U.S.C. §1391(b).

Factual Allegations

8. Plaintiff worked for Defendants from December 2020 to approximately June 2021.

9. Plaintiff was a non-exempt employee, entitled to payment for overtime for hours in excess of 40.

10. Throughout the course of her employment, Plaintiff worked many hours in excess of 40 hours per week.

**COUNT I – UNPAID WAGES AND OVERTIME UNDER
THE FAIR STANDARDS LABOR ACT**

11. Plaintiff re-alleges the allegations stated in Paragraphs 1 through 10 as if stated fully herein.

12. Defendant failed to properly classify and pay Plaintiff as a non-exempt employee.

13. The managers of the Defendants made affirmative misstatements to Plaintiff, and those similarly situated to Plaintiff, that she was not entitled to any pay over 40 hours per week.

14. Defendants failed to post the required notice explaining the FLSA in a conspicuous space where Plaintiff and those similarly situated were employed.

15. Plaintiff routinely worked in excess of 40 hours per week and was not paid the overtime pay required by law.

16. Defendants knew of or showed reckless disregard for the matter of whether their failure to pay overtime was prohibited by law. The violation was willful.

17. Plaintiff was damaged by Defendants' failure to pay wages and overtime as required by the FLSA.

WHEREFORE, Plaintiff respectfully requests the Court to award a recovery of unpaid wages, unpaid overtime wages, liquidated damages, attorney fees, and any other relief by reason of Defendants' violations of the FLSA and for such relief that the Court deems just and proper.

Dated: March 21, 2022

Respectfully Submitted,

THE SHARP FIRM, PLLC
Attorneys for Plaintiff

/s/ Peter N. Camps
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Clinton Township, MI 48038
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PLAINTIFF'S DEMAND FOR JURY TRIAL

Plaintiff, through her attorneys, hereby demands a jury trial.

Dated: March 21, 2022

Respectfully Submitted,

THE SHARP FIRM, PLLC
Attorneys for Plaintiff

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